

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	Adv. Pro. No. 08-01789 (SMB)
SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	SIPA Liquidation
	:	(Substantively Consolidated)
Plaintiff-Applicant,	:	
	:	
– against –	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
	:	
Defendant.	:	
-----X	:	

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In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
-----X	:	
IRVING PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities	:	
LLC,	:	
	:	
Plaintiff,	:	
	:	
– against –	:	Adv. Pro. No. 10-04390 (SMB)
	:	
BAM L.P., MICHAEL MANN and MERYL	:	
MANN,	:	
	:	
Defendants.	:	
-----X	:	

**ORDER REGARDING DEFENDANTS' LETTER DATED APRIL 8, 2019**

**WHEREAS**, the Plaintiff moved for summary judgment on December 21, 2018 (the “Motion”) (ECF Doc. # 140), and in support thereof, submitted, *inter alia*, the Declaration of David J. Sheehan in Support of Trustee’s Reply Memorandum of Law in Further Support of Motion for Summary Judgment, dated March 27, 2019 (“*Sheehan Reply Declaration*”) (ECF Doc. # 167);

**WHEREAS**, the Defendants submitted a letter on April 8, 2019 (ECF Doc. # 169) seeking to (i) strike (the “Request to Strike”) the *Sheehan Reply Declaration* and related arguments made in the reply briefs of the Plaintiff and the Securities Investor Protection Corporation (“SIPC”), and (ii) adopt (the “Request to Adopt”) the *Sur-Reply of Legacy Capital Ltd. in Response to Reply Memorandum of Law of the Securities Investor Protection Corporation in Support of the Trustee’s Motion for Summary Judgment*, dated April 4, 2019 (ECF Adv. Proc. No. 10-05286 Doc. # 212) in response to certain arguments made by SIPC in its reply brief;

**WHEREAS**, the Plaintiff submitted a response letter on April 10, 2019 (ECF Doc. # 170) objecting to the Request to Strike but not addressing the Request to Adopt;

**WHEREAS**, the Defendants submitted a subsequent response to the Plaintiff’s letter on April 11, 2019 (ECF Doc. # 171).

**NOW, THEREFORE, IT IS**

**ORDERED**, that the parties are directed to address the Request to Strike at the hearing to consider the Motion; and it is further

**ORDERED**, that the Request to Adopt is granted.

Dated: New York, New York  
April 16, 2019

/s/ *Stuart M. Bernstein*  
STUART M. BERNSTEIN  
United States Bankruptcy Court